

REMARKS

The present invention is directed to a theme calendar comprising marker elements removably mountable at date locations and target locations on substrate support means. A pictorial design including a plurality of target locations is also carried on the substrate support means. The marker elements include design features that are visible from the front of the calendar when the marker element is mounted to the substrate support means at the target locations. In this manner, movement of the marker elements from the date locations to the target locations reveals a first text message at the date locations and completes or modifies the pictorial design or forms a second text message at the target locations.

The elements of the present invention are defined with reference to their functional features as they are moved between the date and target locations. The propriety of such definitions in the context of the invention is discussed in the prior amendment dated March 21, 2005.

It is requested that the Examiner reconsider and withdraw the rejections of claims 1 - 10 as unpatentable over 35 USC 103(a) over U.S. Patent 5,799,423 to Malino in view of U.S. Patent 5,934,707 to Johnson. As discussed below, even if it is assumed there is

motivation for combining the references and modifying Malino, Johnson provides no teaching that would suggest modification of Malino to meet the claimed invention.

Malino discloses a calendar having date locations 28 and marker elements 32. As acknowledged by the Examiner, Malino does not teach a target location for the markers when they are not on the date locations.

Johnson discloses a message calendar for engaging in specified activities on a selected date. To that end, date indicia 14 is provided on a panel 12 and an activity is proposed by marking a selected date with a mask, 16, 18 or 20. The panel 12 has a frontal surface area 32 devoid of date indicia 14. The area 32 is sized to accommodate temporary storage of the masks 16, 18, 20 by adhering the masks thereto. (Column 3, lines 31 - 34.)

The area 32 is devoid of date indicia or any other pictorial markings as stated and illustrated by Johnson. Accordingly, even if the teachings of Johnson are combined with those of Malino, the combination does not disclose or suggest the claimed pictorial design carried on the substrate means with:

"said pictorial design including a plurality of target locations for removably mounting an associated one of said marker elements, ... movement of said marker elements from said date locations to said target locations revealing a

first text message at said date locations and completing or modifying said pictorial design or forming a second text message at said target locations".

Johnson does not disclose the claimed pictorial design including target locations. Johnson therefore does not disclose marker elements that complete or modify the pictorial design or form a second text message at the target locations.

For all of the foregoing reasons, it is respectfully submitted that claims 1-12 presently of record are in condition for final allowance such action is requested.

If there are any fees required by this communication, please charge the same to Deposit Account No. 16-0820, Order No. 35023US1.

Respectfully submitted,

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